

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 20, 2008**

House of Representatives

The House convened at 10:00 a.m., the Speaker in the Chair.

Roll call showed all members present.

Prayer was offered by Pastor Gary Moore.

The Pledge of Allegiance was led by Nicole Wilson, Page.

Approval of Journal

February 20, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fourth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 19, 2008

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 349, H 355, H 356, H 357, H 358, H 361, and H 362

As Always - Idaho, "Esto Perpetua"
/s/ C. L. "Butch" Otter
Governor

February 19, 2008

Mr. Speaker:

I transmit herewith **S 1350, S 1318**, as amended, **S 1339**, as amended, **S 1321**, as amended, **S 1324**, as amended, **S 1256**, as amended, which have passed the Senate.

WOOD, Secretary

S 1350, S 1318, as amended, **S 1339**, as amended, **S 1321**, as amended, **S 1324**, as amended, **S 1256**, as amended, were filed for first reading.

Report of Standing Committees

February 20, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 543** and **H 544**.

CLARK, Chairman

H 543 was referred to the Education Committee.

H 544 was referred to the Revenue and Taxation Committee.

February 19, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 430** and **H 359** to the Governor at 11:51 a.m., as of this date, February 19, 2008.

CLARK, Chairman

February 19, 2008

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **SCR 125** and recommend that it do pass.

LOERTSCHER, Chairman

SCR 125 was filed for second reading.

February 19, 2008

Mr. Speaker:

We, your COMMITTEE ON RESOURCES & CONSERVATION, report that we have had under consideration **H 405, H 407, H 473, H 500**, and **H 515** and recommend that they do pass.

STEVENSON, Chairman

H 405, H 407, H 473, H 500, and **H 515** were filed for second reading.

February 19, 2008

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 493, H 522**, and **H 523** and recommend that they do pass.

BLACK, Chairman

H 493, H 522, and **H 523** were filed for second reading.

February 19, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1349** and **S 1356** and recommend that they do pass.

CLARK, Chairman

S 1349 and **S 1356** were filed for second reading.

February 19, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 517** and **S 1372** and report them back with amendments attached to be placed on General Orders for consideration.

CLARK, Chairman

H 517 and **S 1372** was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE PROCLAMATION NO. 2 BY STATE AFFAIRS COMMITTEE A PROCLAMATION

COMMENDING THE BOISE RESCUE MISSION FOR FIFTY YEARS OF SERVICE TO THE TREASURE VALLEY.

We, the members of the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby proclaim:

WHEREAS, the Boise Rescue Mission began its service dedicated to the homeless, the addicted and the unfortunate on November 16, 1958, when Reverend Charles Bradshaw, Pastor Orville Stiles and businessman Walter Wilson established the Christ's Gospel Mission in Boise; and

WHEREAS, in the early 1960's the name of the Mission was changed to the Boise Rescue Mission; and

WHEREAS, since 1958, the Boise Rescue Mission has expanded its mission and facilities by opening the Lighthouse Rescue Mission in 1999, as a full service rescue mission for Canyon County, by opening City Light Home for Women and Children in 2000 to provide emergency services, including shelter, meals, clothing and counseling, for homeless women and children, by acquiring the Community House from the City of Boise in 2003, to greatly expand all of its programs and to provide emergency shelter and meals, and by providing transitional housing for men and for women to assist these people in receiving outpatient recovery services and in participating in the Boise Rescue Mission's Work Search Accountability Program; and

WHEREAS, the Boise Rescue Mission is currently supported financially by over 600 Idaho churches, more than 1,000 area businesses and over 20,000 individuals and families; and

WHEREAS, more than 3,000 volunteers serve at the Mission annually; and

WHEREAS, in 2007, the Boise Rescue Mission distributed over 8,000 toys to needy children, served over 239,273 meals, including over 6,800 Thanksgiving and Christmas dinners and

provided over 89,910 shelter nights, including 26,074 for women and children; and

WHEREAS, the Boise Rescue Mission has been ably served by dedicated directors over the years, including Lewis A. Bartz and his wife, John and Lucille Drzewiecki, Tony and Donna Chung, Reverend Mark Holsinger, and Reverend William and Sandra Roscoe; and

WHEREAS, the Boise Rescue Mission continues to expand its efforts to assist those in most need of help.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the House of Representatives assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, that we deeply appreciate the Boise Rescue Mission's half century of dedicated service to the Treasure Valley needy and that we encourage the Boise Rescue Mission to continue its mission of providing shelter, meals, encouragement, counseling and hope.

HP 2 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Mr. Moyle moved that the following persons be approved as attaches to serve the House of Representatives for and during the Second Regular Session of the Fifty-ninth Idaho Legislature. Seconded by Ms. Jaquet.

Copy Machine Operator Shane Kowallis
Agricultural Affairs Secretary Margaret Major

Whereupon the Speaker declared the motion carried by voice vote and administered the oath of office to the above named attaches.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 545 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO ANNEXATION; AMENDING SECTION 50-222, IDAHO CODE, TO REVISE ANNEXATION CATEGORIES, TO REVISE THE EVIDENCE OF CONSENT TO ANNEXATION, TO REVISE PROCEDURES FOR EVIDENCE OF CONSENT FOR CATEGORY C ANNEXATIONS AND TO MAKE TECHNICAL CORRECTIONS.

H 545 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1350, **S 1318**, as amended, **S 1339**, as amended, and **S 1324**, as amended, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1321, as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

S 1256, as amended, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HCR 46 and **HCR 47**, by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

H 490, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 426, **H 441**, and **H 485**, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

SCR 126, by Health and Welfare Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 486 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall **H 486** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused--Bedke, Black, Brackett, Patrick, Roberts, Wood(35). Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 486** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 487 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall **H 487** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Mathews,

McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused--Bedke, Black, Brackett, Marriott, Patrick, Roberts, Wood(35). Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 487** passed the House. Title was approved and the bill ordered transmitted to the Senate.

S 1322 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **S 1322** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused--Bedke, Brackett, Patrick, Roberts, Schaefer. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1322** passed the House. Title was approved and the bill ordered returned to the Senate.

H 502 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 502** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Bedke, Brackett, Patrick, Roberts.
Total -- 4.
Total -- 70.

Whereupon the Speaker declared **H 502** passed the House.
Title was approved and the bill ordered transmitted to the Senate.

H 384 was read the third time at length, section by section,
and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open
debate.

The question being, "Shall **H 384** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bell, Bilbao, Black,
Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez,
Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart,
Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King,
Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott,
Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini,
Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler,
Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively,
Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn,
Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35),
Mr. Speaker. Total -- 65.

NAYS -- Barrett. Total -- 1.

Absent and excused--Bedke, Brackett, Patrick, Roberts.
Total -- 4.
Total -- 70.

Whereupon the Speaker declared **H 384** passed the House.
Title was approved and the bill ordered transmitted to the Senate.

H 463 was read the third time at length, section by section,
and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Shepherd to open
debate.

The question being, "Shall **H 463** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bilbao, Black,
Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez,
Chew, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood,
Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren,
Labrador, LeFavour, Mathews, McGeachin, Mortimer, Nielsen,
Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche,
Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively,
Smith(30)(Stanek), Thomas, Trail, Vander Woude, Wills,
Wood(27), Mr. Speaker. Total -- 54.

NAYS -- Bell, Clark, Lake, Loertscher, Luker, Marriott,
Moyle, Smith(24), Stevenson, Thayn, Wood(35). Total -- 11.

Absent and excused--Bedke, Brackett, Patrick, Roberts,
Snodgrass. Total -- 5.
Total -- 70.

Whereupon the Speaker declared **H 463** passed the House.
Title was approved and the bill ordered transmitted to the Senate.

Mr. Schaefer asked unanimous consent that **H 526** be placed
on General Orders for consideration. There being no objection, it
was so ordered.

S 1307 was read the third time at length, section by section,
and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open
debate.

The question being, "Shall **S 1307** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao,
Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon,
Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn,
Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen,
King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker,
Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen,
Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche,
Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively,
Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn,
Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35),
Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Bedke, Brackett, Patrick, Roberts.
Total -- 4.
Total -- 70.

Whereupon the Speaker declared **S 1307** passed the House.
Title was approved and the bill ordered returned to the Senate.

H 443 was read the third time at length, section by section,
and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood to open
debate.

The question being, "Shall **H 443** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao,
Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon,
Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn,
Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen,
King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker,
Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen,
Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche,
Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively,
Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn,
Thomas, Trail, Vander Woude, Wood(27), Wood(35),
Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused--Bedke, Brackett, Patrick, Roberts, Wills.
Total -- 5.
Total -- 70.

Whereupon the Speaker declared **H 443** passed the House.
Title was approved and the bill ordered transmitted to the Senate.

H 466 was read the third time at length, section by section,
and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Chavez and Mrs. Block to open debate.

The question being, "Shall **H 466** pass?"

Roll call resulted as follows:

AYES -- Andrus, Bayer, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Harwood, Henbest(Burgoyne), Jaquet, Killen, King, Kren, LeFavour, Luker, Mathews, McGeachin, Nielsen, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30)(Stanek), Snodgrass, Thayne, Thomas, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 45.

NAYS -- Anderson, Barrett, Bell, Clark, Eskridge, Hagedorn, Hart, Henderson, Lake, Marriott, Mortimer, Moyle, Nonini, Raybould, Schaefer, Stevenson, Vander Woude. Total -- 17.

Absent and excused--Bedke, Brackett, Labrador, Loertscher, Patrick, Roberts, Smith(24), Trail. Total -- 8.

Total -- 70.

Whereupon the Speaker declared **H 466** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 508 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block to open debate.

The question being, "Shall **H 508** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Stevenson, Thayne, Thomas, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 62.

NAYS -- None.

Absent and excused--Bedke, Brackett, Labrador, Lake, Patrick, Roberts, Snodgrass, Trail. Total -- 8.

Total -- 70.

Whereupon the Speaker declared **H 508** passed the House. Title was approved and the bill ordered transmitted to the Senate.

S 1274 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, "Shall **S 1274** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon,

Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Stevenson, Thayne, Thomas, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused--Bedke, Brackett, Lake, Patrick, Snodgrass, Trail. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **S 1274** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Nonini asked unanimous consent that **H 401** retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

H 537 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 537** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused--Bedke, Brackett, Patrick, Shirley, Trail. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 537** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 538 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 538** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker,

Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused--Bedke, Brackett, Patrick, Shirley, Trail, Wood(35). Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 538** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 539 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 539** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Mathews. Total -- 1.

Absent and excused--Black, Brackett, Patrick, Trail. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 539** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 465 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall **H 465** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Bradford, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 61.

NAYS -- Chavez, Jaquet, LeFavour, Ringo. Total -- 4.

Absent and excused--Black, Brackett, Chadderdon, Patrick, Trail. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 465** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 495 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Marriott to open debate.

Pursuant to Rule 38(3), Mr. Snodgrass disclosed a conflict of interest regarding **H 495**.

Pursuant to Rule 38(3), Mr. Mortimer disclosed a conflict of interest regarding **H 495**.

The question being, "Shall **H 495** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Bradford, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Stevenson, Thayne, Thomas, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- Snodgrass. Total -- 1.

Absent and excused--Black, Brackett, Chadderdon, Patrick, Trail. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 495** passed the House. Title was approved and the bill ordered transmitted to the Senate.

S 1250 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Schaefer to open debate.

The question being, "Shall **S 1250** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Stevenson, Thayne, Thomas, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused--Black, Brackett, Moyle, Patrick, Snodgrass, Trail. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **S 1250** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1342 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Labrador to open debate.

The question being, "Shall **S 1342** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Brackett, Moyle, Patrick, Trail. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1342** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Bedke moved that the House recess until 1:15 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Brackett, Patrick. Total -- 2.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

S 1273 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ruchti to open debate.

The question being, "Shall **S 1273** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Bayer, Brackett, Lake, Patrick. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1273** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1282 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall **S 1282** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Barrett. Total -- 1.

Absent and excused--Bayer, Brackett, Lake, Patrick. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1282** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1287 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall **S 1287** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn,

Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Bayer, Brackett, Lake, Patrick. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1287** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1317 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. LeFavour to open debate.

The question being, "Shall **S 1317** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Killen, King, Kren, Labrador, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayne, Mr. Speaker Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35),. Total -- 65.

NAYS -- None.

Absent and excused--Bayer, Brackett, Jaquet, Lake, Patrick. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1317** passed the House. Title was approved and the bill ordered returned to the Senate.

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Sayler. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

February 20, 2008

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report

that we have had under consideration **H 365**, **H 389**, **H 447**, **H 418**, **H 483**, and **H 496** and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 365

AMENDMENTS TO SECTION 4

On page 8 of the printed bill, in line 33, following "self-propelled" insert: "1"; and in line 35, following "except" insert: "for the purpose of titling and registration".

AMENDMENTS TO SECTION 6

On page 12 of the printed bill, in line 7, delete "for-" and in line 8, delete "ty-six (46)" and insert: "fifty (50)".

HOUSE AMENDMENT TO H.B. NO. 389

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 43, delete "and" and insert: "and".

On page 2, in line 1, following "jurisdiction" insert: "; and (h) Prosecuting attorneys, deputy prosecuting attorneys and special prosecutors of a county or city and special assistant attorneys general from the office of the attorney general engaged in enforcing law regulating controlled substances"; delete lines 10 through 17 and insert:

"(5) Any person who knowingly misrepresents to the board that he is a person entitled under subsection (2) of this section to receive information from the controlled substances prescriptions database under the conditions therein provided, and who receives information from the controlled substances prescriptions database resulting from that misrepresentation shall be guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six (6) months, or by a fine not to exceed two thousand dollars (\$2,000), or both. The foregoing criminal penalty is in addition to, and not in lieu of, any other civil or administrative penalty or sanction authorized by law.

(6) Any person in possession, whether lawfully or unlawfully, of information from the controlled substances prescriptions database which identifies an individual patient and who knowingly discloses such information to a person not authorized to receive or use such information under any state or federal law, rule or regulation; the lawful order of a court of competent jurisdiction; or written authorization of the individual patient shall be guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six (6) months, or by a fine not to exceed two thousand dollars (\$2,000), or both. The foregoing criminal penalty is in addition to, and not in lieu of, any other civil or administrative penalty or sanction authorized by law. The provisions of this subsection shall not apply to disclosure of individual patient information by the patient himself. The provisions of this subsection shall not apply to disclosure of information by a prosecuting attorney, deputy prosecuting attorney or special prosecutor of a county or city or by a special assistant attorney general from the office of the attorney general in the course of a criminal proceeding, whether preconviction or postconviction."

in line 18, delete "(6)" and insert: "(7)"; and in line 21, delete "(67)" and insert: "(68)".

CORRECTIONS TO TITLE

On page 1, in line 3, following "CODE," insert: "TO REVISE THOSE PERSONS TO WHOM DATABASE INFORMATION IS AVAILABLE,"; delete lines 5 and 6 and insert: "LAW AND TO PROVIDE EXCEPTIONS."

HOUSE AMENDMENT TO H.B. NO. 447

AMENDMENTS TO SECTION 2

On page 2 of the printed bill, in line 48, following "\$1.00," insert: "from July 1, 2008, through June 30, 2014,".

AMENDMENTS TO SECTION 3

On page 4, delete lines 3 through 6, and insert:

"(3) ~~Annually, at the direction of the commission, not more than one percent (1%) of the total emergency communications fees collected in the state of Idaho is hereby dedicated for and shall be placed in the fund on a quarterly basis by county, city or consolidated emergency communications systems.~~ The".

CORRECTIONS TO TITLE

On page 1, in line 4, following "FEE" insert: "FOR A TIME CERTAIN"; and in line 5, following "CODE," insert: "TO REMOVE THE DEDICATION OF A CERTAIN PORTION OF THE FEE,".

HOUSE AMENDMENT TO H.B. NO. 418

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 39, 40 and 41 and insert: "by sixty-six and two-thirds percent (66 2/3%) of the district electors voting in such election. If one (1) or more of the member districts fails to approve the tax levy in such election, the cooperative service agency may construct the facility through the support of the member districts approving the levy, but in no event shall the levy limits authorized in this subsection (3) be exceeded. Nothing shall prevent a member district that initially failed to approve the levy from conducting a subsequent election, held pursuant to chapter 4, title 33, Idaho Code, to authorize that district's participation in construction of the facility. Electors of the districts may approve continuation of such levy for".

AMENDMENT TO BILL

On page 2 of the bill, following line 3, insert:

"SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.".

CORRECTION TO TITLE

On page 1, delete lines 3 through 6 and insert: "TO PROVIDE FOR CONSTRUCTION OF A FACILITY UPON THE APPROVAL OF AT LEAST ONE MEMBER DISTRICT AT AN ELECTION HELD FOR THAT PURPOSE AND TO ALLOW ANY MEMBER DISTRICT THAT INITIALLY FAILED TO APPROVE THE LEVY TO AUTHORIZE THE LEVY AT A SUBSEQUENT ELECTION; AND DECLARING AN EMERGENCY."

HOUSE AMENDMENT TO H.B. NO. 483

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 34, delete "established" and insert: "~~established~~ appraised".

CORRECTION TO TITLE

On page 1, in line 6, following "PROPERTY" insert: "FOR AN AMOUNT NOT LESS THAN THE APPRAISED VALUE".

HOUSE AMENDMENTS TO H.B. NO. 496

AMENDMENT TO SECTION 1

On page 3 of the printed bill, delete lines 33 through 36, and insert: "paid overtime for specific hours worked in addition to their normal schedules upon emergency declaration by the governor or with the approval of the appointing authority and the board of examiners.".

AMENDMENT TO THE BILL

On page 4, following line 45, insert:

"SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.".

CORRECTION TO TITLE

On page 1, in line 5, following "EXAMINERS" insert: "; AND DECLARING AN EMERGENCY".

We have also had under consideration **H 517, S 1372**, and **H 526**, report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Sayler.

Whereupon the Speaker declared the report adopted.

H 365, as amended, **H 389**, as amended, **H 447**, as amended, **H 418**, as amended, **H 483**, as amended, and **H 496**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

H 517, S 1372, and **H 526** were retained on General Orders.

The amendments were referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, February 21, 2008. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:57 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk